

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BEAU RIDLING RAYBURN	§	PLAINTIFF
	§	
v.	§	CIVIL ACTION NO. 1:07cv1011-LG-JMR
	§	
SHERIFF STEVE GARBER, SHERIFF	§	
JOSEPH STUART, WARDEN JOHN	§	
SAUCIER, and WARDEN DAVID	§	
JOHNSON	§	DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation [19] of Chief United States Magistrate Judge John M. Roper, Sr., entered in this cause on October 17, 2008, recommending that Defendants Steve Garber and David Johnson’s Motion for Summary Judgment [15] and Defendants Joseph Stuart and John Saucier’s Motion for Summary Judgment [17] be granted. Plaintiff Beau Ridling Rayburn has not filed objections to the Magistrate Judge’s recommendations.

Rayburn filed this Section 1983 action against Defendants, challenging the conditions of his confinement at Pearl River County Jail. The only relief he sought was “an immediate transfer to another facility and to never return to Pearl River County Jail by Hancock County.” (Compl. at 4). Since that time, the record indicates that he has been transferred to another correctional facility—presently the Stone County Correctional Facility.

The Court finds that the Magistrate Judge properly recommended that summary judgment be granted. After referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the

record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [19] of Chief United States Magistrate Judge John M. Roper, Sr., entered on October 17, 2008, be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Defendants' Motions for Summary Judgment [15, 17] are **GRANTED**, and the Complaint is **DISMISSED** with prejudice. A separate judgment will be entered herein in accordance with this Order as required by FED. R. CIV. P. 58.

SO ORDERED AND ADJUDGED this the 29th day of December, 2008.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE